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8 **UNITED STATES DISTRICT COURT**  
9 **SOUTHERN DISTRICT OF CALIFORNIA**  
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11 DAVID CARLTON BROWN,  
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14 M. E. POULOS, Warden,  
15  
Petitioner,  
v.  
Respondent.

Civil No. 08-0017 JM (NLS)

**ORDER GRANTING APPLICATION  
TO PROCEED IN FORMA PAUPERIS**


16 On January 2, 2008, Petitioner, a state prisoner proceeding pro se, has submitted a  
17 Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254. On January 15, 2008, the  
18 Court dismissed the petition because petitioner failed to satisfy the filing fee requirement. The  
19 Court notified Petitioner that in order to have his case reopened, he would have to, no later than  
20 March 10, 2008, either pay the filing fee, or provide adequate proof of his inability to pay. On  
21 February 6, 2008, Petitioner filed a request to proceed in forma pauperis, which this Court denied  
22 on February 20, 2008 because the prison trust account statement submitted by Petitioner  
23 indicated he could afford the filing fee. Again, the Court notified that in order to have the case  
24 reopened he would have to pay the filing fee or provide adequate proof of his inability to pay  
25 by April 21, 2008.

26 On February 27, 2008, Petitioner submitted an application to proceed in forma pauperis.  
27 According to the attached prison trust account statement, Petitioner has \$2.45 on account at the  
28 California correctional institution in which he is presently confined. Petitioner cannot afford the  
\$5.00 filing fee. Thus, the Court **GRANTS** Petitioner's application to proceed in forma

1 pauperis, and allows Petitioner to prosecute the above-referenced action as a poor person without  
2 being required to prepay fees or costs and without being required to post security. The Clerk of  
3 the Court shall file the Petition for Writ of Habeas Corpus without prepayment of the filing fee.

4 **IT IS SO ORDERED.**

5 DATED: March 5, 2008

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7 Hon. Jeffrey T. Miller  
United States District Judge

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